

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE

RIGOBERTO A. CRUZ

Debtor

Case No. 12-11236-RGM
Chapter 13

NATIONSTAR MORTGAGE, LLC
350 Highland Drive
Lewisville, TX 75067

Movant
v.

Motion No.

RIGOBERTO A. CRUZ
11620 Vantage Hill Road #21B
Reston, VA 20190

Respondents

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, Nationstar Mortgage, LLC, its successors and/or assigns, movant, by its attorneys, Mark D. Meyer, Esq. and Rosenberg & Associates, LLC, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. Section 362(d)-(f) and 1301.
2. On or about February 27, 2012, Rigoberto A. Cruz ("Debtor") filed a Voluntary Petition in the Court under Chapter 13 of the Bankruptcy Code.
3. Thomas P. Gorman is the Chapter 13 trustee of the Debtor's estate.
4. At the time of the initiation of these proceedings, the Debtor owned a parcel of fee simple real estate improved by a residence with a legal description of "Unit 11620-21B, VANTAGE HILL CONDOMINIUM" also known as 11620 Vantage Hill Road #21B, Reston, VA 20190 (hereinafter "the subject property").

MARK MEYER
DC BAR 475552
MD BAR 15070
VA BAR 74290

ROSENBERG &
ASSOCIATES, LLC
7910 WOODMONT AVENUE
SUITE 750
BETHESDA, MARYLAND 20814
(301) 907-8000
FILE NUMBER: 32007

5. The subject property is encumbered by a Deed of Trust securing the note, which is currently held by the movant. The Promissory Note has been transferred from CitiMortgage, Inc. to Nationstar Mortgage, LLC. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

6. The total amount due under the Deed of Trust securing the Movant as of December 18, 2013, including attorney's fees and court costs, is approximately \$257,956.00.

7. The Debtor is in default under the Deed of Trust, and the Movant has accelerated the entire balance of the Note and Mortgage and interest continues to accrue.

8. The Debtor has not made post-petition payments for the months of March 1, 2012 - December 1, 2013, and equity in the Debtor's residence is dissipating.

9. The Movant lacks adequate protection of its interest in the subject property.

10. The Movant has been and continues to be irreparably injured by the stay of Sections 362 and 1301 of the Bankruptcy Code, which prevents the Movant from enforcing its rights under the Note and Deed of Trust.

11. Cause exists for lifting the automatic stay imposed by Sections 362 and 1301 of the Bankruptcy Code to enable the Movant to enforce its rights under its Note and Deed of Trust.

12. The subject property is not necessary for an effective reorganization.

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WHEREFORE, the Movant, Nationstar Mortgage, LLC, its successors and/or assigns, respectfully requests that this Honorable Court:

1. Enter an order terminating the automatic stay imposed by Sections 362 and 1301 of the Bankruptcy Code to enable it to proceed with a foreclosure sale of the real property and improvements located at 11620 Vantage Hill Road #21B, Reston, VA 20190; and

2. Grant such other and further relief as may be just and necessary.

/s/ Mark D. Meyer, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 18, 2013, a copy of the foregoing Motion for Relief from the Automatic Stay was mailed, first class postage prepaid, upon the following who were not served electronically:

Maria Cruz
Maria T. Cruz , a/k/a Maria E. Cruz
11620 Vantage Hill Road #21B
Reston, VA 20190

Thomas P. Gorman, Trustee
300 North Washington Street
Suite 400
Alexandria, VA 22314

Rigoberto A. Cruz
11620 Vantage Hill Road #21B
Reston, VA 20190

/s/ Mark D. Meyer, Esq.

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